

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AUGUSTINE RODRIGUEZ,

Plaintiff,

v.

No. 1:15-CV-00978-WJ-KBM

STATE OF NEW MEXICO,
DEPARTMENT OF CORRECTIONS,
MARY CHRISTENSEN,
FNU CASTILLO,

Defendants.

**ORDER QUASHING ORDER TO SHOW CAUSE AND
GRANTING EXTENSION OF TIME TO CURE DEFICIENCY**

This matter is before the Court *sua sponte*. On December 14, 2015, the Court ordered Plaintiff to “notify the Clerk in writing of his current address or otherwise show cause why this action should not be dismissed” in light of the fact that a recent mailing to Plaintiff, namely the Court’s November 2, 2015 Order to Cure Deficiency [Doc. 2], had been returned as undelivered [Doc. 7]. In response, Plaintiff informs the Court that he has “never been transferred or released” and he is “still in Springer” Correctional Facility. [Doc. 8] In light of the foregoing, the Court’s Order To Show Cause [Doc. 7] will be quashed.

The Clerk of the Court will be directed to resend the Court’s November 2, 2015 Order to Cure Deficiency to Plaintiff at Springer Correctional Facility. Plaintiff will have thirty (30) days from the entry of this Order to pay the \$5.00 filing fee or to file an Application to Proceed in District Court Without Prepaying Fees or Costs. Failure to timely pay the filing fee or to file an Application to Proceed in District Court without Prepaying Fees or Costs may result in dismissal of this proceeding without further notice.

IT IS THEREFORE ORDERED that the Order to Show Cause [Doc. 7] is QUASHED;

IT IS FURTHER ORDERED that the Clerk of the Court is directed to resend to Plaintiff the Court's November 2, 2015 Order to Cure Deficiency and an Application to Proceed in District Court Without Prepaying Fees or Costs;

IT IS FURTHER ORDERED that Plaintiff has thirty (30) days from entry of this Order to pay the \$5.00 filing fee or to file an Application to Proceed in District Court Without Prepaying Fees or Costs.



UNITED STATES CHIEF MAGISTRATE JUDGE